



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, FRIDAY, MARCH 6, 2009

No. 40

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose spirit is known by those with thankful hearts and who makes cheerfulness a companion of strength, lift the hearts of our Senators to a joyous confidence in Your care. Teach them to know that a shadow is only a shadow because the light of eternal goodness shines behind the objects of our fears. Where there is love in life, teach our Senators to find it. Help them to trust it and grow in its power. Lord, may their lives present a cheerful ray to our Nation and world. Let the light of exemplary leadership illuminate the dark road ahead.

We ask in the name of Him whose life was the light of the world. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a

Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, we will resume consideration of H.R. 1105, the appropriations bill. The floor is open for debate and amendment. There will be no rollcall votes during today's session. I have spoken to the Republican leader and assistant leader. We expect to have a finite list of amendments that will be entered into the RECORD within the next hour.

I know it is very difficult for people to understand the Senate sometimes. For those of us who have served in this body for an extended period, it is even difficult sometimes for us. But it is a wonderful institution that has a long list of precedents building up since we became a country. The Founding Fathers, when they wrote the Constitution, wanted a unique legislative system, and they gave us one. The House of Representatives is elected every 2 years. No one has ever been appointed to serve in the House of Representatives. If someone resigns or dies, there is a new election. In the Senate, that is not the case. There are 6-year terms and 2-year terms. The House runs every 2 years. Their ears are in tune with the constituency like no one else. We are, some say, the saucer that cools the coffee. Sometimes we cool it for a long period. But that is the rules. An individual Senator has tremendous power. This isn't anything new. This is the

way it has always been. I want everyone to recognize that the Senate is an institution that works on comity. We have to work together.

We are proceeding forward on this large spending bill to make up work that we had not completed the last several years. We thought we were going to finish last night. A significant number of Republicans wanted more amendments. As a result, a number of my Republican friends called me and said: We think we need more amendments. We know we said we were going to vote to end debate, but we believe there should be more debate. I wish I had not received those phone calls, but I understand how the Senate works. No one broke their word to me. It was a misunderstanding only.

We are where we are. I have spoken to the Republican leadership, Senator MCCONNELL and Senator KYL. Within the next little bit we will have a finite list of amendments. We will work our way through those. It is my understanding Senator MCCAIN is going to be here today to offer an amendment. There are a number of other Senators who are going to offer amendments. We will work through these.

It is my understanding that the House is going to, within an hour or so, do a CR that will take us through Wednesday. I will work with the Republican leader. I will probably file cloture today to make sure we have some instrument to move forward on. We can arrange the time whenever we want. The reason we will go that way, it was set up last night procedurally that if there were 60 votes on cloture, there would automatically be a third reading of the underlying bill. That is what we will do again so there is no need to have two separate votes. We will do our best to give everyone ample time as to when this vote will take place, the reason being, Senator KENNEDY is back now. We were happy to see him yesterday. He looks great. He was at the White House for a health conference.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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We want to make sure we give him ample time to be here. He is receiving some of his treatment outside Washington, DC.

I think that pretty well outlines where we are.

We are the Senate. We were last night and we are today. We will work through the legislation as quickly as we can and move on to other things. We have important work to do. We have some nominations we will try to do the first part of the week, but we can do those the latter part of the week. The House passed some bankruptcy legislation. I spoke to the Republican leader about that today. We might go to that. We have the lands bill that might be coming back to us. We have lots to do. We have 4 weeks left in this work period and a lot remaining.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### AMENDMENT PROCESS

Mr. MCCONNELL. Mr. President, let me say that the majority leader and I have spoken on a number of occasions about the importance of the amendment process to all 41 Republican Senators. In fact, all 41 Republican Senators sent the majority leader a letter some time back indicating how important we believed it was. We are proceeding correctly on this bill. I say to my friend the majority leader, we basically have compiled our list of additional amendments. My Members believed strongly that we should have an opportunity to offer those and get votes. We will be able to do that. We will be able to move forward sometime next week. The manner in which he has outlined that we will proceed Monday and Tuesday makes sense, and we will be as cooperative as possible in moving forward with our amendments and getting votes on them.

#### GRATITUDE TO MANAGERS OF THE OMNIBUS

Mr. REID. Mr. President, one thing I didn't mention, the manager of the bill, Senator INOUE, is here. Senator COCHRAN has been here steadfastly during the process. They have done a terrific job. Sometimes there are events outside the scope of what the managers are doing, though, that overtake their efforts, and that is what happened here. They are both, as I have said before, two of the best we have in this institution. I personally apologize to Senator INOUE for not being able to complete the legislation. But he has seen a lot of things in his career, much more than I have.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Ensign amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

AMENDMENT NO. 615

Mr. DURBIN. Mr. President, I rise to speak in reference to an amendment which I believe will be included in the list of amendments by the Republican side. It relates to the DC voucher program. Senator JOHN ENSIGN of Nevada is offering an amendment that will be part of our consideration on Monday or Tuesday relative to the future of the DC voucher program. The DC voucher program was created 5 years ago at a time when the Republicans were in control of the White House and of Congress. What they offered to the District of Columbia was an offer they couldn't refuse, a substantial amount of money—I believe it was \$14 million—for the public schools of the District, another \$14 million for the public charter schools, and about \$14 million to create a DC voucher program. The theory behind the DC voucher program is that they would award this Federal money to families with children in voucher schools, private schools, not public schools. They could use this money to pay for tuition to send their children to these schools.

This is the first of its kind where the Federal Government would directly provide money to parents to send children to private schools. It is an experiment. It was described as such. It was initiated 5 years ago when the Republicans were in control. It came through the Appropriations Committee. Senator Mike DeWine of Ohio was one of its strong proponents.

We considered several amendments in the committee. I came to this with mixed feelings but skepticism, mixed feelings because I am not an opponent of private education. My wife and I sent our three children to Catholic schools. That was our choice. We continued to pay our property taxes to support public schools. I have openly supported public school referenda in my community. I have done everything in my State to make sure there was adequate funding for public schools, but we made a personal family decision, based on a number of circumstances, to send our children to the

local Catholic schools. That was our decision at our expense. I have no prejudice against private education. If I entrusted my children to it, I certainly believe in it.

But the question always came up in my mind: Who should pay for it. We were prepared as a family to pay for it. It was an extra sacrifice we were prepared to bear.

The argument behind DC voucher schools is that some families can't or won't bear that burden of the cost of private education. So they should have direct Federal subsidy, Federal payments to defray or defer any cost of tuition. That was the theory behind it.

My skepticism had a lot to do with the fact that I think our first obligation is to the public school system. The DC public school system is struggling. Credit the new Mayor, Mr. Fenty; he has hired Michelle Rhee, an extraordinarily talented young woman, to be chancellor of DC schools, and she is intent on improving the quality of the public schools. That is something we should invest in, something we should support.

The debate 5 years ago was interesting. I offered three amendments. The first amendment said that any building used as a school under the DC voucher program had to pass the life safety code, had to be inspected as being safe for children to go to school. I guess one could say it goes back to 50 years ago, my memory of the terrible Our Lady of Angels fire at the school in Chicago that killed so many children and nuns in the building and led to changes and stricter enforcement of the life safety code for school structures in Illinois.

My goal in the DC voucher program was to establish at least a comparable standard for the safety of buildings used for DC voucher students as buildings used as public schools. I don't think that is unreasonable. Every parent should have the peace of mind that their child is safe in that building.

I offered the amendment in the Appropriations Committee. It was defeated by those who argued we could not restrict or hamper DC voucher schools. As a consequence, they wanted to defeat my amendment. Incidentally, a GAO study, in November of 2007, on the DC voucher program showed the sites of some of the schools and specifically noted that two of the schools operated without a certificate of occupancy as private day schools—just what I feared.

These are buildings—one looks like a private residence, the other like a commercial building—that do not look like schools at all, and they did not pass the basic standards for health and life safety that we require of schools in the District of Columbia. So my amendment was defeated.

The second amendment I offered said teachers in the DC voucher schools had to have a college degree. Now, that is a basic requirement of any teacher in public schools in DC or most States in

the Union. The amendment was defeated, and the argument was made: No, no, no. DC voucher schools have to be "creative." We have to open this to people who do not have college degrees to teach.

Well, I am afraid of the mischief that would result from that, but my amendment was defeated.

The third amendment I offered said DC voucher schools had to have the same test administered in terms of student achievement as the DC Public Schools so at the end of the day we could compare performance and output. Are the kids in voucher schools doing better or worse than the kids in DC Public Schools? If they are not doing any better, it challenges the premise of this DC voucher program. My amendment was defeated, rejected. "People in the DC voucher schools should not be restricted to the kind of achievement tests they offer."

Now, those three amendments, I thought, waved three red flags: the buildings did not have to be as safe as public schools, the teachers do not have to have college degrees, and the schools would not be subjected to the same achievement tests. Now, that does not say to me the people creating the DC voucher program had a lot of confidence in what they were doing. They just wanted to make their point of establishing a DC voucher program.

So 1,700 students now in Washington, DC, have benefited from this voucher program and are at private schools. Some are Catholic schools; some are not. Some are private. There are a wide variety of them. Some, they say, are world-class schools, and others, frankly, are not.

Now, here we are coming up on the fifth anniversary of the passage of this legislation and, in fact, the program was supposed to expire. It was an experimental program. The authorization ended.

Well, I faced that when I wrote this appropriation for this year and said: I will tell you what I will do. I will extend the life of the DC voucher program 1 additional year, and in that additional year, I think we should have two things occur. First, the Committee on Homeland Security and Governmental Affairs, under Senator JOE LIEBERMAN's chairmanship, should have a hearing and consider reauthorization legislation. What will be the next phase of the DC voucher program? What requirements will we impose on these schools in the next reauthorization? How are they doing? What mistakes were made?

I can tell you, the Government Accountability Office, in their survey back in 2007, found some serious issues in terms of the DC voucher program. The Washington Scholarship Fund, the group that runs the program, was a small operation, until they were given the administration of this program. The Government Accountability Office said they did not believe they were fully prepared to handle a program with millions of dollars.

The GAO also had serious concerns about the accounting and check-writing process. Is it legitimate for us to ask questions about whether taxpayers' dollars, subsidies to parents for DC vouchers, are being spent appropriately? Well, I hope so. Accountability should be demanded of all of us in all programs. But those who are for the voucher program apparently do not want to go through this kind of investigation. Well, I do not believe that is a right approach.

The GAO said the processes are not integrated for accounting and check writing, and the WSF—at the time in November 2007—had to set up a new system. They had concerns with information security. The Washington Scholarship Fund used temporaries for data entry, had inadequate password security—the list goes on and on. Some of these things are easily corrected. Others go to the heart of the administration of this program.

There were programmatic concerns too. On average, the Government Accountability Office found that students met income requirements, but less than 50 percent came from "in need of improvement schools." See, the idea was these kids would leave schools that were not good-performing schools and go into voucher schools. Well, it turns out over half the kids were in schools that were doing a good job, at least by the standards of public education. So that raised a question on the program.

They also noted students are clustered in a small number of schools. Mr. President, 16 out of 60 schools enrolled 60 percent of the voucher students. In 7 schools, over 50 percent of the students enrolled received vouchers. So it was a handful of schools that were really the subject of the voucher program.

The Washington Scholarship Fund is supposed to conduct site inspections and look at the financial stability of the school. Based on the information provided to the GAO at the time of this report, it is unclear whether they conducted these thorough site visits.

So we said to the Lieberman committee—and, incidentally, Senator LIEBERMAN is favorably disposed toward this program. I do not recommend it to him or refer it to him or suggest he consider it believing he is prejudiced against it. He is not. He wants to support it, but he wants to make sure it is running well.

So we include a provision: Keep the program alive for another year. Protect all the students in the program. In the meantime, we should have an authorization. The committee should investigate how it is being managed and decide what the future will be. What will the next 5 years look like?

The legislation that created this said to the Department of Education, specifically: The Secretary may make grants under this section for a period of not more than 5 years to the Washington Scholarship Fund. We extended it for 1 year. They knew creating the DC voucher program it was a 5-year

program. We gave them an additional year so they could review this program and see how effective it might be.

Now, there is a second part I put in this legislation which apparently rankles some on the other side. Here is what it says: The Washington Government, the DC City Council, has to vote to continue the voucher program. How unreasonable is that?

I heard this morning on NPR Senator ENSIGN say: Well, we know they are opposed to it, so we want to take away local control of this school program. I have not heard that very often from the Republican side nor from the Democratic side. I would not want to live in a political jurisdiction where someone imposed a program on families and students without asking whether it was a reasonable thing to do, and in this case, whether the DC Public School System should, in fact, absorb a voucher program.

But on the Republican side of the aisle, most of whom voted against the idea of giving DC voting rights in Congress, want to impose this. This is their laboratory. This is where they want to have their experiment on voucher schools, and they do not want close scrutiny. They do not want an investigation. They do not want a reauthorization. They want to continue this program indefinitely, funding millions of dollars into a program that has been found to have significant deficiencies.

Until this bill that is before us today, there was no requirement that teachers in DC voucher schools have college degrees, but I put that requirement in the law. I lost that issue 5 years ago, and I think it is only reasonable we have that requirement today. So for the next year they are going to have to have teachers with college degrees, and the buildings have to be inspected. What is wrong with that? Would anyone want to send their kids to a school building that is dangerous or potentially dangerous? Apparently, some do. They want us to step away, not to have any scrutiny or any oversight over these school buildings. I am not one of those, and I could not in good conscience allow this program to continue without having that requirement.

Now, I will be honest with you. I backed off of the achievement test requirement after speaking to Chancellor Rhee. I said: Why don't they have the same test?

She said: They should. But if you are only going to allow this program to continue under the law for 1 year, and it is uncertain what happens after that, don't impose on them the costs of changing achievement tests. It costs millions of dollars. So let them stay with the current achievement test, even though they cannot be compared to DC Public School students with that achievement test.

So I deferred that, saying: Why impose a \$2 or \$3 million cost on them? Let the authorization committee decide whether that ought to be the case. I will certainly argue for it.

So now we have the Republicans saying: We do not want the program investigated. We do not want it reauthorized. We do not want the people of the District of Columbia to have any say as to whether it will be part of their public school system. That is the Republican position. I think it is unfair. I think it is unwise. I think it is bad policy.

If this program is good, it will stand on its own feet. If it is a program that needs improvement, let's make the improvement. If it is a program that has failed, let's move on and try something that will succeed. We are talking about the lives of children.

I might also say, Chancellor Rhee, I think, comes to her job with the DC Public Schools with a fresh, positive attitude. We need to make sure all the kids in DC, whether they are in voucher schools or not, have a high-quality education. The same goes for my State of Illinois and the State of Virginia. That is our first obligation. So that is where we stand today.

The Ensign amendment is going to be offered. At that time, we will have a chance to debate it even further. But we have funded the program through the next school year. Senator LIEBERMAN has given his word to me and those who support the program on the other side that he will have a timely hearing so we can get on with this review and reauthorization in a reasonable way.

Two separate studies by the Department of Education have clearly demonstrated that the Washington voucher program has no statistically significant impact on student academic achievement. We knew this program was going to expire in 5 years. We need to ask whether the money might be better spent on some other approach, whether it is in the DC Public Schools or into charter schools. It is time we take time for careful and deliberate consideration of this program.

For those who have written in several publications: DURBIN is just out to kill this program, I had a chance to do that, and I did not. I extended the program beyond its authorization for an additional year, gave them adequate funds to continue serving the students who are currently in the program, with the understanding, at least in the bill, that we would take the time to carefully study the DC voucher program.

For those who believe in the voucher program, do not be afraid. Do not be afraid to step forward and let people take a look at what has happened. Let's see what the successes and failures of this program have been and then decide how to go forward. I think that is a critical objective we can achieve.

#### OMNIBUS APPROPRIATIONS

Mr. President, I would like to say one other word about the pending legislation, the omnibus bill. I have listened to so many speeches on this floor about earmarks. I made a point yesterday in television interviews back in Illinois to

make it clear what I was talking about in terms of projects coming back to our State that were earmarks.

I do not think I can be any more transparent about earmarks. What we do in my offices is to put on our official Web site every request I make for earmarked funds, congressionally directed spending from appropriations bills. For every single request, I indicate who is going to be the recipient, how much money was asked for, what is the nature of the request, and clearly make a statement that I have no conflict of interest involved in making the request. I think that is required by law, and it is certainly a valuable requirement.

Then we go through the process of the Appropriations Committee choosing those earmarks they can put into a bill. At the end of the day, we not only send out press releases in terms of those projects that have been approved, we make it clear, so people know, start to finish, every step of the way.

So when I was on the news yesterday, I said to some of the local newscasters: The word "earmark" has such a negative connotation, but the word "earmark" should be remembered in this context: I have millions of dollars in this bill that will go to communities in the suburbs of Chicago that have been dealing with serious flooding problems for decades. We have made significant progress. I worked with Mayor Tony Arredia in Des Plaines, IL, before he gave up the office recently, and we protected many parts of his community that used to be regularly, annually devastated by floods—earmarks in appropriations bills for flood control.

The metropolitan area and sanitary district has this deep tunnel that we put money into by earmark year after year after year, so that storm water can be collected there and will not run off to integrate with the sanitary sewer system and will not cause degradation of Lake Michigan and rivers and tributaries nearby. That is one area.

The second area I focused on in the earmarks has been transportation. There are specific earmarks in this bill for the expansion of the Chicago Transit Authority and other transit systems in our area. They are struggling to survive with the recession. We are trying to make sure passengers do not have to pay outrageous amounts of money for them to continue to be successful in their operation.

Another earmark: \$4 million in this bill goes for the Chicago shoreline on Lake Michigan. When they surveyed the people of Chicago a few years ago and asked: What is the most important thing we have in our city that you are proudest of, they said: Lake Michigan, overwhelmingly. And they should. It is a beautiful expanse of water. Aside from the scenery and the beauty of it, it is part of the Great Lakes, one of the greatest sources of drinking water supplies in the world.

So what we have done is to address a 100-year-old shoreline that was crumbling and falling apart. I sat down with

Mayor Daley. We entered into an agreement with the Army Corps of Engineers. With this agreement, the city put money up-front. We came in with money on the Federal side. We have reduced the overall cost of the project and accelerated by years—as you drive along that lakefront, you can see they are building a modern lakefront that will serve us for decades to come. It is an earmark. It is an earmark in the bill.

When I hear people come to the floor saying: This is an outrage that all these earmarks are in the bill, I think to myself: There is nothing outrageous about this. We bragged about it. We have had press conferences about it. The people of our city think it is money well spent.

There is money in here as well going to hospitals to buy critical equipment. It is all listed—every single hospital, every single dollar—whether it is for research, cancer research, Alzheimer's research at universities, for example, or if it is buying critical equipment for hospitals that many times don't have the resources to do so. I try to help them out if I can. I think that is part of my job.

I listened to these overall criticisms of earmarks and I don't doubt that pouring through the thousands that may be in here, we are going to find some that are questionable. That is natural. One Congressman and one Senator may think something is important to his district, his community, his State; others may question it. That is part of the process. They should be questioned. But at the end of the day, to say that when you take 1 percent of this bill and allow Members of Congress to zero in on specific issues in their States, in their districts, that there is something inherently evil, wicked, criminal or wrong with it, it is not the case.

I wish to salute Senator INOUE, who is our chairman of the Appropriations Committee, for what he and Congressman DAVID OBEX, the House Appropriations Committee chairman, agreed to do, which is to dramatically cut back the overall cost of earmark projects. Under the Republican leadership a few years ago, about 4 to 5 percent of an appropriations bill would be earmarked. They have brought it down to just over 1 percent. The goal is 1 percent. I don't think that is unreasonable, that 1 percent of the spending bill would be congressionally directed in a transparent and open process; otherwise, what happens, we give the money to the agency downtown and they decide where to spend it. It isn't as if the money would not be spent; oh, it will be spent, but it may not be spent as effectively or for projects that are as valuable as many of us who represent these areas believe.

We could have given the money to the Army Corps of Engineers for the Lake Michigan shoreline. I can say what would have happened. It would have cost more, there would have been

less local contribution, and it would have taken many more years to get started. We avoided all that with the earmark process. I know there is going to be a lot of debate—some even this morning on this—but my feeling is we are reaching the right balance of disclosure, transparency, and limiting the number of earmark projects so the taxpayers can have confidence that, at the end of the day, there is a process here and the scrutiny that there should be when it comes to taxpayers' dollars. At the end of the day, some of my colleagues will never be satisfied. They just will not be satisfied until every earmark is removed. I hope that doesn't happen. I think we can make the process better.

#### U.S. ECONOMY

Mr. President, I also wish to say a word about the state of our economy today, if I can, and set it apart in the RECORD because this is a historic anniversary week. As you may know, 76 years ago this week, exactly, on March 4, 1933, the President, Franklin Roosevelt, took the oath of office for the first time. He faced an America broken to its knees—not by a war or an invasion but by a depression which had broken the confidence of a proud nation.

It is hard for many people today to even imagine how frightened Americans were the day after he became President. Jonathan Alter, a news analyst for Newsweek, who comes from Chicago, recently wrote a book about the transition and beginning of the F.D.R. Presidency called "The Defining Moment." He sketched the picture very well. He said at that time America has experienced its gravest crisis since the Civil War.

The American economic system had gone into a state of shock. Days before the F.D.R. inauguration, the New York Stock Exchange suspended trading indefinitely and the Chicago Board of Trade bolted its doors for the first time since it opened in 1848. In the 3 years since the crash of the stock market, 16 million jobs had disappeared in 1933 and business investment had dropped 90 percent. America's official unemployment rate was 25 percent. In some areas, it went as high as 80 percent when it came to adult men. More than 5,000 banks had failed. People who were unlucky enough to put their money in them had lost everything.

The great economist, John Maynard Keynes, was asked by a reporter at the time if there was any precedent for what happened to the world economy. He replied: Yes. It lasted for 400 years. It was called the Dark Ages.

In his first inaugural address, Franklin Roosevelt told a shaken nation: "Only a foolish optimist can deny the dark realities of the moment." But then he went on to reassure America and said: "The only thing we have to fear is fear itself—" that famous phrase—"nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."

F.D.R. said we needed to abandon the failed ideas that led us into economic crisis and try something new and bold. The Federal Government, the President said, will treat the task of economic recovery "as we would treat the emergency of a war."

What America needed, the new President said, was "action, and action now" to put Americans back to work and restore strength to our economy and rebuild people's faith in the future. He assured us: "This is no unsolvable problem if we face it wisely and courageously."

Where are we today, 76 years later, 76 years after F.D.R. took that oath of office on March 4, 1933? Another new President has inherited the worst economic crisis since that historic day in 1933. This crisis is not another Great Depression, thank the Lord, but it is grave. It is dangerous. It is unlike any crisis we have seen in our lifetime. Sadly, it appears to be getting worse at this moment. America lost more jobs last year than at any time since World War II. Manufacturing is at a 28-year low. Many businesses can't borrow or make payroll. Many workers and retirees are seeing their life savings disappear. People have seen the values of their homes and retirement plans plummet, and a large and growing number of Americans are uncertain and anxious about the future.

President Obama, sworn into office on January 20 of this year, has been in office a little over 6 weeks. He has made it clear we need to act and act quickly; otherwise, he says, the recession could linger on, unemployment could continue to grow, we could lose a generation of promise and potential as millions of Americans have to forgo college and a chance to train for jobs of the future. We could lose our competitive edge in the world if we don't act. In short, an already bad situation could get worse. He proposed to Congress, soon after he was sworn in, the American Recovery and Reinvestment Act—the most sweeping in history.

Similar to Franklin Roosevelt and Abraham Lincoln—another President who inherited a major economic crisis during the Civil War—this President has said we must put our American house in order, put Americans back to work, and invest in America's future. He has said the American Recovery and Reinvestment Act represents not just new policy but new thinking; a new approach to meeting our most urgent challenges. It will save or create 3 million to 4 million jobs over the next 2 years while investing in priorities such as health care and education. It enables us to rebuild America's crumbling infrastructure—the roads, the bridges, the schools.

The economic recovery plan also includes help for States. My State of Illinois is in deep debt. We are hoping this recovery plan will help them get through this difficult period. Also, it has a tax cut for most working families. Ninety-five percent of them will

receive this tax cut as soon as next month. It is a smart plan that invests in things that work. Congress, the President, and respected economists agree now is not the time to create new bureaucracies and new Government agencies. We should use existing programs wherever possible to make sure the recovery funds are invested quickly and efficiently to stabilize this economy. We are relying on experienced and knowledgeable Government professionals, but as most of us know, there is no playbook you can pick up at the library or find on a Web site. We are trying to make wise decisions based on economic experience.

I think this program we passed is a start, but the bill before us is equally important. This bill continues the function of Government. This bill allows many Federal agencies to continue with funding that is necessary so they can perform valuable services. If we don't pass this bill, we will reduce the amount of money that is being spent by these agencies at a time when our economy needs the spending to create the jobs to move us forward.

We are going to lose about \$1 trillion in purchasing of goods and services this year. The American Recovery and Reinvestment Act, along with this piece of legislation, will try to provide some jump-start to this economy, a catalyst for more economic recovery and growth, which is something we desperately need.

There is more that is needed as well. Next week I am going to, after we finish this bill, be talking about the housing crisis we face. I have been pushing for 2 years for a change in the bankruptcy law to allow the courts, as a last resort, to rewrite a mortgage. Last night, that measure passed in the House of Representatives. I hope we can take it up. We are in the process of working out the details of our Senate version now, and I hope that by next week we will be prepared to present it to our colleagues. We need their help. Some of them were skeptical when I last offered it. Many Democrats voted against it. They said: Well, we think this can work itself out. Some of those same Members have come to me since and said it didn't work. We thought the voluntary approach was what was needed; it didn't do the job. There are too many foreclosures. It is not only hurting the lives of those who lose their homes but the people who live next door.

I think it was Secretary Geithner who used the analogy at a hearing this week of someone who lives next door to a man who smokes in bed. Well, because of that unwise conduct, the man's house catches fire, and because of that fire in a closely packed neighborhood it endangers all the houses nearby. Now, you can shake your finger and say you never should have smoked in bed or you can pitch in and try to put out that fire because, if you don't, it could affect your home too. The same thing is happening here. Whether

the right decisions were made at the outset, whether people borrowed when they shouldn't have, whether people were the victims of predatory lending, that will eventually work itself out and we will know more about it; but in the meantime, we need to stabilize this housing market.

I listen to some of the great sources of information in America and one of them is Jon Stewart with the "Daily Show." He had a program earlier this week that was a classic. It involved a fellow named Santelli who, on a CNBC cable show, went into this what he called himself, a rant over the idea that we would help people facing mortgage foreclosure. He was critical of the wisdom of these people in entering into mortgages when they should have known better, making guesses about their economic future that turned out to be so wrong. Mr. Stewart, in a style which I find very entertaining and amusing, then proceeded to replay the statements made by economists on CNBC who downplayed the thought of a recession, who suggested that many of the great banking houses that have failed were going to do fine. He tried to make the point that even some of the people who were screaming at those who entered into mortgages they shouldn't have entered into got it all wrong when they tried to analyze the economy and give advice to America.

People do make mistakes. They should be allowed to recover from those mistakes in a situation where continued mortgage foreclosures could jeopardize housing markets and the value of everyone's home for years to come. That issue will come up before us next week. I look forward to it.

At this point, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act.

Harry Reid, Daniel K. Inouye, Bernard Sanders, Tom Udall, Patrick J. Leahy, Ron Wyden, Christopher J. Dodd, Benjamin L. Cardin, Mark R. Warner, John D. Rockefeller IV, Debbie Stabenow, Patty Murray, Richard Durbin, Edward E. Kaufman, Jim Webb, Mark Begich, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Roland W. Burris.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the list of amendments in this agreement be the only first-degree amendments remaining in order to H.R. 1105; that no amendment be in order to any of the listed amendments prior to a vote in relation thereto; that the amendments must be offered and debated Friday, March 6; Monday, March 9; or Tuesday, March 10; further, that upon disposition of the amendments and the Senate has voted on a motion to invoke cloture on H.R. 1105 and cloture having been invoked, all postcloture time be considered yielded back, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

Here is the finite list of amendments: Ensign amendment No. 615, which is pending; Vitter amendment No. 621; Sessions amendment No. 604; McCain amendment No. 593—he is in the Chamber now waiting to offer that amendment—Thune amendment No. 662; Barrasso amendment No. 637, which I understand he will offer on Monday; Enzi amendment No. 668; Kyl amendment No. 631; Kyl amendment No. 629; Kyl amendment No. 630; Kyl or designee amendment—we have a copy of the proposal—Cornyn amendment No. 673; and Bunning amendment No. 665.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken with the Republican leadership, and we are going to try to have four of these votes starting at 5:30 on Monday evening.

#### UNANIMOUS CONSENT AGREEMENT—CONTINUING RESOLUTION

Mr. REID. Mr. President, I ask unanimous consent that if and when the Senate receives from the House a joint resolution which provides for the continuation of Government funding until March 11, 2009, if it is identical to the measure which is at the desk, it be considered read three times, passed, and the motion to reconsider be laid upon the table; that if it is not identical, then this order be null and void.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. This will get us teed up to work next week. I made my statement this morning. The Senate is the body that it is. It is sometimes difficult for even those of us who serve here to fully comprehend. But I think this Congress has reached a point in time where we are working together, when adversaries work together. It doesn't mean we always agree, but I think we all have the end in mind to try to help the country and move legislation forward.

I appreciate the work of my leadership, Senator DURBIN. He spent the evening with me last night. We finished

about midnight. He is such a good friend. I appreciate the conversation I had with Senator MCCONNELL and the many conversations I have had with Senator KYL.

Everyone is working in good faith, and this Senate agreement indicates that.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment for the purpose of calling up three amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 631

Mr. KYL. Mr. President, the first Kyl amendment is numbered 631.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 631.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of State to certify that funds made available for reconstruction efforts in Gaza will not be diverted to Hamas or entities controlled by Hamas)

On page 942, between lines 14 and 15, insert the following:

#### GAZA RECONSTRUCTION

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to aid reconstruction efforts in Gaza until the Secretary of State certifies that none of such funds will be diverted to Hamas or entities controlled by Hamas.

#### AMENDMENT NO. 629

Mr. KYL. Mr. President, the next amendment I would like to call up is amendment No. 629.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 629.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that no funds may be used to resettle Palestinians from Gaza into the United States)

On page 942, between lines 14 and 15, insert the following:

#### PROHIBITION ON USE OF FUNDS FOR RESETTLEMENT INTO UNITED STATES OF PALESTINIANS FROM GAZA

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to resettle Palestinians from Gaza into the United States.

#### AMENDMENT NO. 630

Mr. KYL. Mr. President, the third amendment is numbered 630.



The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 630.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on counter-smuggling efforts in Gaza)

On page 942, between lines 14 and 15, insert the following:

REPORT ON COUNTER-SMUGGLING EFFORTS IN  
GAZA

SEC. 7093. Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to Congress a report on whether additional funds from Foreign Military Financing assistance provided annually to the Government of Egypt could be expended—

(1) to improve efforts by the Government of Egypt to counter illicit smuggling, including arms smuggling, across the Egypt-Gaza border; and

(2) to intercept weapons originating in other countries in the region and smuggled into Gaza through Egypt.

Mr. KYL. Mr. President, until Senator McCain arrives, let me briefly describe these three amendments.

Amendment No. 630 requires a report on countersmuggling efforts in Gaza. Within 90 days of the enactment of the Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit a report to Congress on whether additional funds from our military foreign financing assistance, provided annually to the Government of Egypt, could be expended, No. 1, to improve efforts by the Government of Egypt to counter illicit smuggling, including arms smuggling across Egypt and the Gaza border, and No. 2, to intercept weapons originating in other countries in the region and smuggled into Gaza through Egypt. This amendment requires a report to ensure the Egyptian Government can be even more effective in dealing with this difficult problem.

Amendment No. 629 is a prohibition on the use of funds in this bill for resettlement into the United States of Palestinians from Gaza. There has been a suggestion that perhaps that might be permitted, and we simply want to make it clear that will not be permitted with any funds in this bill.

Finally, related to Gaza reconstruction, amendment No. 631 provides that none of the funds available in this bill may be made available to aid reconstruction efforts in Gaza until the Secretary of State certifies that none of such funds will be diverted to Hamas or entities controlled by Hamas. The reason for that, of course, is that in providing money to people in Gaza, it is very difficult to ensure that money doesn't go to terrorists, and we want the Secretary of State to ensure that

doesn't happen. That is what this amendment would provide.

Mr. President, that is the explanation of these three amendments, and I now yield to my colleague from the State of Arizona, Senator McCain.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 593

Mr. McCain. Mr. President, I call up amendment No. 593, which is at the desk, and I ask unanimous consent for its consideration, understanding that under a previous unanimous consent agreement the vote on the amendment will be on Monday.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report the amendment. The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 593.

Mr. McCain. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds provided in the bill)

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE USE OF FUNDS.

None of the funds in this Act may be used for any project listed in the statement of managers that is not listed and specifically provided for in this Act.

Mr. McCain. Mr. President, this amendment is very simple and straightforward. It would prohibit funds to be spent on the thousands of earmarks that are listed in the statement of managers but that are not included in the bill text.

We have seen a remarkable evolution over the past number of years here in the Senate and House as to how we do business, and I think there is no greater example of it than what we are considering and have, fortunately, not passed. This is the legislation. In itself, it is 1,122 pages. You can thumb through it anywhere, and you will find moneys to be spent on various projects, none of which—or very few of which have ever been authorized or examined by the committees that have jurisdiction. That in itself is interesting.

This is a funding mechanism to keep the Government in business. It also happens to be an 8-percent increase in spending over last year. It also happens that the majority, the Democrats on the majority side last year, chose not to pass these appropriations bills because they knew, or expected, that they would have a larger majority in the Senate and House and they would be able to increase spending, which is exactly what happened—an 8-percent increase.

Here on the other side of my desk is “statement of managers.” That statement of managers is 1,844 pages. Guess what it is filled with. The same ear-

marks and porkbarrel projects that are in the bill itself. The statement of managers used to basically just be a statement of the managers of the bill saying this is a bill that is being put forward and the reasons for it, the rationale for it. It used to be just a few pages. Now it is 1,844 pages. Remarkable. And guess what it is filled with. It contains part of the 9,000 earmarked porkbarrel projects in this bill, none of which have been authorized—or very few have been authorized, let me put it that way. I am sure there are some funds in here that have been authorized. But the earmarks in it are exactly that: they are unauthorized projects.

What does that mean to the average citizen? They hear about earmarks and pork, but they do not really understand what it means. Well, the way the Congress is supposed to work is, there are two parts to legislating. One is to review legislative proposals—both policy and funding by committees—and they say: OK, we will authorize this project, we will authorize \$1.7 million for a honey bee factory in Weslaco, TX. I don't particularly think that is necessary, but at least it is authorized. And then it is supposed to go to the appropriating committee, and they figure out how much money there is and then they appropriate the money. That system is completely broken. It is completely short-circuited. Now we have bills this size, statements of managers this size, and no one has ever seen or heard of many of these projects until it appears on the Members' desks. The system is completely broken.

So when I hear my colleagues stand up and defend these “porkbarrel projects,” when they defend \$300,000 for the Montana World Trade Center, which may be necessary, why didn't they ask for it to be authorized because of the need and then compete with all other projects that are necessary and that Members of the Senate and the House believe are necessary for their districts or States?

Mr. President, 20 or 25 years ago, I can tell my colleagues, an earmark was an unusual event. It was an unusual occurrence. But the evil grew and grew and grew. Like any other evil, it grew and grew and grew, so that now we are presented with legislation such as this, with 9,000 of them. And I can guarantee you that none of my colleagues fully read this bill or the statement of managers. Now, some people say: Well, it is not very much. It is not very much. Well, our estimates are that it is about \$8 billion. Now, \$8 billion to the average citizen is a fairly good sum of money.

Another egregious pattern of behavior which has crept into this is that there are policy changes that are put in, again fundamental changes in policy written in, which, of course, the Senate does not then have an opportunity to debate. One example is to do away with the voucher system in the Washington, DC, school system. Another one has been noted this morning

in the Washington Post, called "Truck Stop."

When we signed a free-trade agreement with Mexico—I believe it was 14 years ago—part of the deal was that Mexican trucks, provided they met all the safety standards and all the requirements, would be able to come into the United States, with reciprocal access to each other's markets. Thanks to the influence of the unions and others, there is an amendment in this bill that basically kills that. Now, you can take either side of that issue. Maybe there are a lot of Americans saying—even though these Mexican trucks are inspected, even though they meet the safety standards, even though we promised in the North American Free Trade Agreement that they would have access to our markets—maybe we shouldn't do that. But should we be doing it in an appropriations bill, in a bill this thick, in a statement of managers this thick? Should we be making policy changes in here?

By the way, I will talk a little more about this later on, but the Mexican Government is in an existential threat with the drug cartels in Mexico. Phoenix, AZ, has now become the kidnapping capital of America. There is violence on the south side of our border which is spilling over onto our side of the border. The President of Mexico, President Calderon, has staked everything on taking on the drug cartels, and the corruption he is fighting is at the highest levels of Government. So what have we done in this appropriations bill? We have just sent a signal to the Mexicans that we are not going to keep our agreements with them. We are not going to stand by our solemn pledges to them. And, by the way, we are going to do it in an obscure provision in one of these either 1,122 pages or 1,844 pages.

So I hope the American people and our colleagues understand what it is that is so badly broken here. They say: How in the world do we—when unemployment today is at 8.1 percent and people can't afford their health insurance premiums, are losing their jobs, are being moved out of their homes—afford \$951,000 for Sustainable Las Vegas; how do we afford \$819,000 for catfish genetics research in Alabama?

You will note that there are always locations associated with these earmarks. I had a discussion with a Member of Congress about one of the provisions having to do with tattoo removal—tattoo removal—because it helps when combating gangs. Maybe tattoo removal needs to be funded, but, of course, this earmark was directed to a specific geographic part of the country. So while the American people are suffering under the worst recession since the Great Depression, we here in Congress not only are doing business as usual, we are wasting taxpayer money at an incredible rate, and these 9,000 earmark projects are part of that.

By the way, there are also 13 projects in this bill, which total approximately

\$9 million, that were the result of the efforts of an outfit called PMA. PMA is a lobbying group, the head of which was a former staff member in the U.S. Congress, and PMA has been raided and shut down by the FBI. They are under active investigation for corruption, and they were "listed" as those responsible for these 13 projects. We can't even take those out. We can't even take those out.

It is really remarkable. On Thursday, the media reported that in discussions with Majority Leader REID, Speaker PELOSI took the position that if a single amendment to this omnibus bill was made by the Senate, she would refuse to resubmit the bill as amended to the House but would, instead, put the rest of the Federal Government under a continuing resolution for the remainder of the year.

I think we should be on a continuing resolution as we have been and examine each one of these appropriations bills individually, debate them, and decide what various appropriations should be and how they should be funded and what the priorities are.

By the way, we also have proved that we can pass another continuing resolution because we just did. The insistence that not a single change could be made or it would shut down the Government and jeopardize even the most essential Government services was high drama at its best, used to sway Members to oppose even the most commonsense proposals, such as insisting contracting be fair and subject to open competition and restricting funding that was achieved through a lobbyist organization.

By the way, it is my understanding that last year this same organization, PMA, which has shut its doors, was raided by the FBI. The home of the head of it was raided by the FBI, and last year they got \$300 million worth of earmarks in an appropriations bill.

What I am saying is, this system has become a corrupt practice. That is why we have former Members of Congress now residing in Federal prison. That is why we have continuing indictments of people who were involved in the Abramoff scandal, which all had to do with obtaining these earmarks in appropriations bills which were not authorized and nobody knew anything about. We even had a situation last year where a couple of items were put into an appropriations bill after the President signed it—after the President signed the bill. They were inserted. Investigation of that is still going on.

It seems to be the Speaker's position that the Senate should have no voice in a \$410 billion appropriations bill that funds every agency in the Federal Government other than Defense, Homeland Security, and the Department of Veterans Affairs. I have been deeply disappointed by many things this new Congress and this new administration have begun. After all the campaign promises of changing the culture of

Washington, bringing hope for a new era, bridging differences between people, parties, and ideology, what we have actually seen and what has been delivered to the American people is far different: first, in the \$1.2 trillion stimulus bill and now in this massive \$410 billion appropriations bill, which would, in a normal year, be the largest appropriations bill the Congress would pass. There has been no serious effort at bipartisanship. There is no serious effort to hear opposing views, to have an honest debate, to balance carefully the policy implications of our actions. We should engage in serious debate and vote on amendments without the false threat of a shutdown of the Federal Government or an out-of-the-hand rejection of all amendments.

The President has said, and the Director of the Office of Management and Budget has said, this bill is last year's business. This bill is to fund the functions of Government this year—not last year, this year. To say somehow that this is "last year's business" because we are voting on funding for the operations of Government for this year is disingenuous at best.

I have talked to Members on both sides. I have talked to people who said: Yes, we need to do something about this earmarking, and we would like to sit down and do something about it. We would like to reduce it. That is like saying you would like to reduce any other evil. You want to eliminate it.

There is a simple way, I say to my friends who say they are unhappy with the way this explosion of earmarking and porkbarrel spending is taking place. There is one simple solution: Authorize it. Send it through the authorizing committees. Then, if I have a problem with the Buffalo Bill Historical Center in Cody, WY, for which I am going to spend \$190,000 of our taxpayers' dollars, then fine. I may not like it, but at least we will have gone through a process of scrutiny, of proposal, of authorization, and the Buffalo Bill Historical Center would be in competition with other proposals for other historical centers throughout the country if they are needed.

Maybe we need to improve blueberry production and efficiency in Georgia. It is \$209,000 to improve blueberry production and efficiency—in Georgia. Maybe not in Maine, maybe not other places where blueberries are grown, but in Georgia.

We want to spend \$400,000 for copper wire theft prevention efforts. I would like to prevent copper wire theft as well, but maybe it should happen across the country. And I am sure the Alaska PTA needs \$238,000, but so do PTAs all over this country. Why should we earmark \$238,000 for the Alaska PTA? The list goes on and on.

As some of my colleagues may know, I have begun to twitter. We have been tweeting for the last week with "Top Ten Earmarks," every day. We could go on for days and days. I would like to mention some of them. We began last Friday.



No. 10 was \$1.7 million for a honeybee factory in Weslaco County, TX; \$300,000 for the Montana World Trade Center; \$870,000 for wolf breeding facilities in North Carolina and Washington; No. 7 was \$332,000 for the design and construction of a school sidewalk in Franklin, TX; No. 6 is \$1 million for Mormon cricket control in Utah; No. 5 was \$650,000 for . . . management in North Carolina and Mississippi; No. 4, \$2.1 million for the Center for Grape Genetics in New York; No. 3 was \$6.6 million for termite research in New Orleans; No. 2 was \$2 million for the promotion of astronomy in Hawaii; and No. 1, on our first day, was \$1.7 million for pig odor research in Iowa.

Yesterday, the Chicago Tribune had an editorial entitled "Whoa." It goes on to say:

The Obama administration and Democratic leaders of the House and Senate are blowing the lid off of spending restraint. But they're finally meeting some resistance within their own party.

Sen. Evan Bayh (D-Ind.), in an essay published Wednesday in *The Wall Street Journal*, ripped a spending bill passed by the House last week as "a sprawling \$410 billion compilation of nine spending measures that lacks the slightest hint of austerity from the federal government or the recipients of its largesse."

He said he will vote against it, and he urged President Barack Obama to veto it if it passes the Senate. We second that motion.

Politico.com reported Tuesday that 15 senators—14 Democrats and one independent—met behind closed doors this week to share concerns over the cost and reach of Obama's proposed \$3.55 trillion budget for 2010.

House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid and the Obama team are pushing a gaudy expansion of deficit spending.

A \$787 billion "stimulus" package. A \$410 billion spending bill. A \$3.55 trillion budget.

Their reasoning: we need to do this in response to the economic crisis. But it's sure sounding like business as usual in Washington. When in doubt, spend. When not in doubt . . . spend.

The \$410 billion bill hikes discretionary spending by 8 percent and includes at least 8,570 earmarks worth \$7.7 billion. "Such increases might be appropriate for a nation flush with cash or unconcerned with fiscal prudence, but America is neither," wrote Bayh. "Families and businesses are tightening their belts to make ends meet—and Washington should too."

The Obama folks have tried to dismiss this huge spending bill as a little cleanup work. "Last year's business," said Chief of Staff Rahm Emanuel.

Last year's business? No, this is the nation's business right now. We're going to borrow this money right now and carry the debt for decades.

The administration says Obama will sign this bill. Hopefully, enough Democrats like Evan Bayh will join Republicans in the Senate to put the brakes on this. Let everyone catch their breath and rethink this spending spree. Right now, Democratic leaders look like they're getting dizzy from all the dollars they think they have to throw around.

What we should be doing is not passing this legislation now. Go back to the drawing board. Go through the appropriations bills and authorize them as necessary and figure out how much we need to spend rather than have a bill

that is like this and like this, which nobody has read.

Also, if the Congress goes ahead and passes this bill, then the President should veto it. The President should abide by the commitment he made in the campaign, the debate in Oxford, MS. The President of the United States, then-candidate Senator Obama, stated it clearly. He said: I will go line by line through these bills, and I will veto the ones and scrub the ones that are not necessary.

The President, then-Senator Obama, made a commitment to the American people. He can keep that commitment by vetoing this pork-laden bill.

The list goes on and on of these projects. I mentioned the 13 projects of PMA.

I want to return to something that is very disturbing, and that is the provision concerning free trade with Mexico. I would again like to quote from the Washington Post editorial today that says "Truck Stop," entitled "Congress Flashes a Yellow Light on Free Trade With Mexico."

President Obama seems to have resolved, for now, an incipient dispute with Canada over "Buy American" rules in the stimulus package. The law would have hurt Canadian steel exports to the United States, but, at the White House's insistence, Congress appended language that blunted the worst protectionist consequences. Now, however, Congress has turned on Mexico, the United States' other partner in the North American Free Trade Agreement. A \$410 billion omnibus spending bill contains a provision that would pretty much kill any chance that long-haul freight trucks from Mexico could operate in the United States, as had been promised under NAFTA.

Economically, giving U.S. and Mexican trucks reciprocal access to each other's markets makes a lot of sense. Currently, Mexican rigs can drive in only a small zone on the U.S. side of the border, where they must offload their goods onto U.S. trucks. The process wastes time, money and fuel, harming the U.S. environment and raising the cost of Mexican goods to U.S. consumers. Yet access for Mexican trucks has been bitterly resisted by U.S. interests, most notably the Teamsters union—which claims that poorly regulated trucks from south of the border would be a menace on U.S. highways.

In an effort to disprove that, the Bush administration promoted a pilot project under which Mexican trucks, screened by U.S. personnel, could operate freely within the United States. The Mexican trucks compiled a safety record comparable to that of American rigs. Mexican participation was limited, however, because of the political uncertainty. And safety was always a smokescreen for the Teamsters' real concern—economic turf—anyway. Now the Democratic majority on the Hill has slipped into the omnibus bill a provision killing the program. The provision seems certain to survive, given that the president supported such a measure when he was a senator; his transportation secretary, Ray LaHood, backed it as a member of the House.

When the U.S. economy needs all the help it can get, this legislation perpetuates inefficiency and invites Mexican retaliation against U.S. exports. To a world looking for signs that Democratic rule in Washington would not mean revived protectionism, this can only be a disappointment.

So you not only have these earmarks that are in the thousands, you not only

have companies that are under FBI raids and shut down by the Government, adding porkbarrel projects, but you also have policy provisions in the bill which can damage relations with a country we need good relations with, given the fact that the drugs we are creating a demand for flow through their country.

As I mentioned earlier, the Mexican Government, under the courageous leadership of President Calderon, is in an existential struggling with the drug cartels. He needs to win. He needs to win for a variety of reasons, including the direct effect the flow of drugs from Colombia and other places, through Mexico into the United States, has and the damage it does to our young people and others who are using drugs.

This amendment, as I stated, simply says that all these provisions, which are in 1,884 pages, some thousands of earmarks that are in the "statement of managers," not be prohibited from being spent because they are not included in the bill here. It is a pretty straightforward amendment. I hope my colleagues will approve it.

Finally, I would like to say again, if the President of the United States wants to fulfill his promise to the people of this country if this bill is passed, he will veto the bill and he will send it back and tell us to clean it up. These are tough times in America. These are tough times. We cannot afford to do business as usual in the Senate and the House of Representatives. It is time the President led, veto this bill, if we pass it, and let's get down to the business of saving the taxpayers' dollars, rather than the profligate spending spree we have been on for so long which has mortgaged our children's futures and has committed generational theft.

I yield the floor.

Mr. DORGAN. Mr. President, on Wednesday, the Senate voted on an amendment offered by my colleague from Oklahoma, Senator COBURN. The amendment would have cut funding for thirteen congressionally directed projects. Eight of these projects are from the Energy and Water Development section of the bill.

Senator COBURN claimed these projects were included at the request of a firm that is under investigation. But every project named in his amendment was included in this bill at the specific written request of a Member of Congress.

In fact, thanks to reforms we made in the last Congress, anyone can go online and see exactly who requested these projects and where the funding is going. We have gone to great lengths to make the process as transparent as possible. Members of Congress who request funding for projects also have to file a letter with the Appropriations Committee to certify that they and their family members have absolutely no financial interest in the earmark.

Let me be clear, I did not personally sponsor any of these projects.

In fact, all of the projects in the Energy and Water Development section of

the bill that were targeted by Senator COBURN's amendment were included by the House in their version of the fiscal year 2009 Energy and Water Development appropriations bill. The Senate also carried one of the eight in our version of the bill.

So while I did not sponsor any of these projects, I find these projects are consistent with the work performed by the Department of Energy, and I saw no reason to eliminate them.

Let me briefly describe the sorts of projects that we are talking about.

One of the projects would provide \$951,000 for the direct methanol fuel cell. This type of fuel cell has the potential to meet low power needs, less than 1 kilowatt, with increased performance and improved storage ability.

Another project is focused on solar energy, providing \$951,000 to improve the efficiency of home windows, with the same goal—reducing net energy consumption.

As I said, every project on this list was requested by one or more Members of Congress. The process is fully transparent and the Members of Congress who requested this funding are fully accountable. That is why I opposed the Coburn amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can

do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Just last week we had to trade in our truck, which was fully functional, in excellent condition and paid for, to finance a vehicle that we could afford to drive out of the local area. I have family and friends at Hill AFB, UT and in Eugene, Oregon. I have driven my truck to visit them before but would seriously have to plan ahead and save money to do it again using our truck. So, now we have a new to us used vehicle (a 2002) that is great, but now I have two car payments all over again. We had to weigh the fact that while we had a great truck, what good does it do you if you have to actually think about driving it someplace as close as Mountain Home? We used to drive it between Mountain Home and Micron all the time five years ago and never gave it much thought. Thank goodness we live in Kuna now, but still, when I go back to school, the 25 miles or so between Kuna and BSU would make a serious dent in my GI Bill money, which is just enough to cover daycare and tuition.

MEGHAN and WESLEY.

I am writing to you today out of major concern for our nation's stability. The price per barrel of oil continues to rise and, with it, so does our cost of living. I am just an average stay-at-home housewife raising my 6-month-old daughter with my husband, who works hard to be our sole provider. In the last six months, we have resorted to me giving up my job as a result of rising fuel, grocery and daycare costs. My husband owns an SUV, which is parked stationery now in our garage, and is taking my sedan to work each day. I rarely leave the house because of fuel costs skyrocketing! We do not have a lot of debt and rely on our savings, which is now dwindling to keep up with the rising costs of everyday living here in Idaho.

We are hurting, and I know from speaking to friends and family, they are hurting, too. The economic stimulus checks that we received went into my savings account to help our family pay for gas and groceries. Every two weeks, I buy groceries and it costs us \$165 a visit, every time we fill up the tank on our SUV its \$100 dollars every week in a half. I believe that we are in an economic crisis and that we are entering a depression, not a recession. The media maintains that we have not entered a recession yet. What reality are the media and our legislators living in?

Please take control of this situation! Do not let oil govern the direction our nation is sliding towards. Offer consumers some sort of fuel alternative. Fortunately, we do not use oil to heat our home. Those homeowners must be reeling watching the fuel costs soar. You must react now! Salaries are stagnant, the cost of energy is rising, food costs are rising, home prices are falling all of these indicators of an impending Depression!

We cannot afford to wait 5 years for solutions to today's energy crisis! My recommendation is to put a team together in the city of Boise, which includes average middle class citizens that can give a more realistic view of everyday living costs and come up with some real alternatives/solutions which can be implemented now!

Both my husband and I have pulled our 401k plans out of the stock markets hoping for some stability. After working so hard to save through the years, it is heart wrenching to watch your 401k savings spiral downward! America is bleeding and we have to stop the flow of red! Offer the American people some

real solutions. Solutions that do not include lining the pockets of foreign oil industries with our bleeding American dollars!

I thank you for your time. I am sure you are well aware of this crisis. I wanted to give you a voice from an average middle class American Homemaker. I look forward to your administration making a memorable stand by offering America real solutions to this energy crisis!

ADRIANA.

Thank you for asking our opinion; this is a fresh change from the normal status quo in Washington. I live in central Idaho in a subdivision that has 3 full time residents and the closest town has a grand total of less than two hundred people. I love where I live and would not trade it for anything but it is getting harder and harder to just pay the bills let alone do any outdoor activities that require fuel. I work in construction and the company office that I work for is 25 miles away and 1300 feet higher in elevation than where I live. My wife works 15 miles away and has the same elevation change. This winter we had over five feet of snow on the level and temperatures below zero for many days. Needless to say, riding a bicycle is out of the question, driving a small car with no ground clearance just to get good mileage is no more than an invitation to spend the night in the snow in freezing temperatures. I have been paying \$4.99 a gallon for diesel for the last 4 weeks or so and gas for the cars has been over \$4.00 for about the same amount of time. Our weekly gas budget has almost doubled in the two plus years that we have lived here not to mention the cost of propane going up. I can guaranty you that our wages have not kept up and it does not look like there will be any increases in income in the near future. In order to have a weekend at the lake we now have to take at least one day off to make it worthwhile to go and go once every three weeks instead of every week or so. I have friends and family that used to come up all of the time and can no longer afford to come up. Tourism is a very large part of the economy up here and without the people coming to visit, going out to dinner, buying gas and just spending money this area will suffer.

I believe that we are being governed by a few very vocal extremists and special interest groups, who have enough money that they do not care or have lost touch with the average person. They advocate for and lobby for (I do not have time to lobby for anything or go to meetings I have to work to pay for the gas) all of these special regulations that supposedly protect something. I have been told by the government on more than one occasion that "We do not care what it costs to do that but you must comply to our regulations". We need to get the government out of the way, drill for oil in Alaska and off our coasts, build more refineries, increase the atomic usage and cut the ties with the countries that do not like us, but want our money and use it against us. In short we need to become more self sufficient, like we were in the past.

Thank you for your time

WADE.

Thank you very much for your e-mail. I get so frustrated and worried and feel like "we the people" are never considered by the politicians who run our government.

For the past 20 years I have lived on a small ranch in the south east corner of Idaho right near the Utah border. It has always been hard for us to make a go of it on the ranch. In fact, without our retirement we would never have been able to make it. Our nearest grocery store is either 36 miles to Malad or 46 miles to Tremonton, Utah. The

nearest large town is Pocatello, which is 100 miles from us. Ogden, Utah, is 80 miles and Brigham and Logan, Utah, are 60 miles away. Needless to say we must travel quite a distance to get the things we need. There are some times we must take the truck and this takes a lot of gas. The high price of gas is just killing us financially. Just the last two days we had to spend \$100 for fuel just to move our cattle from one field to another. We have cut down our trips and that is pretty hard to do when we really need something. There are trips to the Dr. and we always have pills that need to be refilled.

My husband has worked very hard all his life to provide a good living for our family. We have tried to prepare for the future so we would not be a burden on our children or have to live off the government. Our retirement is in a 401K in the market and we are losing money every day. We are getting old with no source of income and I will tell you it is pretty frightening.

Everything in our economy is tied to oil and energy prices. I think it is only fair to ask our Congress to act responsibly and get doing something now!

The statistics I hear say we only use 15% of the oil resources that are available right here in our own country. I have heard politicians say it won't do any good to drill because we won't see any results for such a long time. It does not take a genius to realize that if we don't start doing something now we will never get the relief we need.

I think we could start by doing something about those silly regulations that prevent us from doing so many sensible things.

I think we should be allowed to drill for oil and explore for energy resources right here where we live. I think it can be done responsibly if our hands are not tied with ridiculous regulations. I also think we could start building new refineries. I agree that we should explore and expand alternative energy sources, including nuclear. What about Iraq? We have done a lot for them why can't we get oil from them?

The thing that I think is totally irresponsible is to tax the oil companies and to put global warming nonsense before the needs of human beings.

It has always been my philosophy that doing something productive is better than setting on our hands and doing nothing. I say to the congress roll up your sleeves and get to work doing something worthwhile.

I would like to thank you for all the service and many hours you have spent in behalf of all of us in Idaho. I am grateful to have you for my Senator.

LOUISE, *Stone*.

I am a single parent trying to live on disability, a low fixed income. The current price of gas has affected me severely. I live two and a half hours one way from my doctors in Boise and I must make three to four trips a month. I do not have the resources to relocate or carry on like this.

These are a few things that I think have lead to the high price of fuel in the U.S. Until recently, all energy futures trading in the U.S. took place on the New York Mercantile Exchange, which traditionally determined the market price of crude oil and natural gas commodities bought and sold here in the United States. Recently a large portion of the futures exchange was moved to London England where they could operate outside of the regulated exchange markets. Since this took place it has driven the price of crude up dramatically, by investors with little or no assets investing in the future price of crude by putting up a fraction of the outright value of the crude oil they are investing in. The basic facts are clear—this market is purely and simply being controlled by over-speculation."

In 2000, at the urging of Enron and other large energy traders, a provision was slipped into an omnibus bill conference report that eliminated CFTC oversight of energy commodities traded by large companies outside of the regulated exchanges. This so-called Enron loophole has severely restricted CFTC oversight of energy trading. Supply and demand = There has not been a new refinery built in the US in over 30 years. We have more oil here in the US than in all of the Middle East if you take into consideration The shale in the Rocky Mountains, the oil in ANWR Alaska and off our coast.

All four of these things must be done to drive the price of fuel down in the U.S.

1. Remove this loophole for energy futures traders.

2. Change the amount of money put up front by investors in the futures trade energy market to 50%.

3. Allow drilling at ANWR in Alaska, off our coastlines and also allow the extraction of oil from Rocky Mountain shale.

4. Streamline the process for building new refineries (cracking plants) in the U.S.

Your help is needed and appreciated.

MARK, *Council*.

Thank you for notifying me that you are trying to do something about the gas prices. My husband and I are retired, but we had no retirement to fall back on. Now we live on Social Security. Our needs are not great, but the increased gas prices and the resulting increased food prices are dealing us a severe blow. We now drive to the grocery store and to church and almost nowhere else. I have also cut down on the groceries that I buy. We have even decided to cut way down on our evening meal so that we do not have to buy so much food. Any help you can give us and people in the US like us will be so appreciated. I know being a Congressman is not an easy job. I do thank you for working for the citizens of Idaho and the United States.

KAREN, *Coeur d'Alene*.

The price of heating oil has quadrupled since installing our heater. We left wood because of injuries not allowing either one of us to get the wood, split, or even get it into the stove. We are worried about being able to have any this coming winter.

Our use of our boat—the only recreation that we have. The boat does not use much fuel, about 2 gallons a day out on the lake fishing. But we cannot get the boat to the lake. It takes a rig to do that, and the rig only gets 24 miles per gallon. And to make it worse, we are only 25 miles from the lake or 9 miles to the Clearwater River! We have to worry about heat this winter. So no recreation.

I work 15 miles from home. I have a car that gets 35 plus miles per gallon. I only earn \$6.25 per hour. At present gas is \$3.99 a gallon. It eats into any profits I might have. Any higher and I will be forced to quit.

I know a girl who no longer can work there. She had a baby. The cost of child care and fuel was more than her wages. So she is on food stamps much to her dismay.

This right-to-work state with its low wages. It takes 3/4 of an hour to earn a gallon of milk! And the rest of the groceries go up every delivery of foods. Because of fuel costs.

A lot of people, not only in this state, are in the same boat. Some are having to give up jobs. Some are having to close their businesses. Some are giving up their homes. It hurts more out here in the real world than it does in the beltway. The whole economy is going down the tubes all because the price of energy.

The argument that it is only \$50 or so per month more. Well...then there is the add-on for food, and everything else. And on a fixed

income, with a low wage job to supplement. That is a lot.

I will add another thing. The summer mix for the fuel cuts the gas mileage. How's that one!! for a stupid regulation?

And you can bet your boots, if all those foreign countries and speculators thought we were really going to drill our own oil, the prices would drop like a rock. Drill for oil along with all the other things. Build nuclear, build my hydropower systems. Do it al. Open all the oil potential fields. Make our country totally self sufficient. Get away from the dictators!

KAREN, *Juliaetta*.

My family (Dad and four brothers) owns a roofing business here in Boise. The high fuel prices have made it difficult for us to make a profit. The price of materials has increased every month for the past three months and some say that they will increase by 30-40% before the end of the summer. I see this as a direct result of the price of fuel. The construction industry in Idaho has taken some hits and I don't think that Idahoans can really afford for the price of home production to increase. Especially when you consider how many houses are currently on the market and how many people are facing foreclosure.

America is the best country in the world. I think that our dependence on foreign oil is the pinnacle of stupidity. We have the resources, the technology and the manpower to become energy dependent without hurting the environment. Capitalism is the way to ensure that America will remain the best country in the world. Please do your part to help us become energy independent by letting us drill in our own country and use our own resources without taxing the oil companies and nationalizing energy production.

Idaho is the greatest state in America; I love it. It is beautiful and I would like to share that beauty with my kids someday without having to sell my house in order to pay for the gas that it cost to drive around this great state. Thanks for the great work!

VICTOR, *Boise*.

I would like to tell you my story regarding the energy prices, not only has our family been impacted by the cost of fuel, but it has also been impacted by the loss of income. I am a single parent, and up until a year ago had an income of \$35-38K a year. The only work I am able to find is part-time employment for minimum wage. (I have too much experience for the jobs posted.) Add that to the continuous increasing fuel prices and the harder I try to get ahead and to make ends meet the more behind I get. The stimulus check I received, because of the high cost of fuel, went to bills and groceries rather than into the economy as I would have enjoyed. I am constantly "robbing Peter to pay Paul" within my budget. I have to have a vehicle, which requires gasoline, to get to work. With the cost of gas equaling an hour of net income, it takes the biggest percentage after my mortgage/rent payment.

If possible, relief at the pump would be greatly appreciated. I know I am not the only who has a limited income and is struggling financially.

LORI, *Garden City*.

## ADDITIONAL STATEMENTS

### REUNION OF THE MUSICAL GROUP PHISH

● Mr. LEAHY. Mr. President, I want to give recognition to an event taking

place in Hampton, VA, beginning to-night, March 6. This weekend, Vermont's own musical group, Phish, will celebrate a reunion not far from our Nation's Capitol, following their retirement in August of 2004. Phish's fans, and all Vermonters, wish a warm welcome back to Trey Anastasio, Jon Fishman, Mike Gordon, and Page McConnell, and the very best on their renewed musical journey.

In the summer of 2004, the band said farewell to thousands of fans who had persevered through torrential rain and knee-deep mud—some having walked many miles to see the band's final concerts in a farm field in Coventry, VT. For so many of the band's followers, it was a bittersweet moment, historic and mournful at once and the end of a singular era in American rock and roll. True to the band's roots, and despite the rain, it was fitting that the farewell took place in the middle of the glorious Vermont countryside.

Much to the joy of many Vermonters and people across the United States, the band could not resist the desire to perform once again, and this weekend marks their return to the stage in what Phish's fans hope will be the beginning of a sustainable period of happiness and creativity for the band.

What began at the University of Vermont in Burlington, and was nurtured at Goddard College in Plainfield, flourished into an enormous creative musical force that delighted fans from across the world for many years. They spread their music throughout Europe and Japan, from coast to coast in the United States, and rang in the millennium in front of 85,000 people on the Big Cypress Indian Reservation in Florida, playing that concert's final notes as the sun rose over the horizon at the dawn of a new century.

Theirs has been a remarkable journey of musical exploration, improvisation and risk-taking much akin to the early era of the Grateful Dead. From outdoor summer festivals to Halloween celebrations that found the band donning musical "costumes" by playing an album of another musical group from beginning to end, Phish carved a niche in the musical world that was left conspicuously empty with their retirement.

As Americans stand at a crossroads and contemplate the way forward during a difficult time, artistic expression will play an important role in reminding us all that despite the difficulties we face, we should not forget those things in life that bring us happiness and that connect us to one another. Whether we find solace in a good film, a great novel, making art through photography, writing, or painting, or experiencing a musical performance, I want to acknowledge the ability of Americans to keep the creative spirit alive even when we face our most daunting challenges. And I find reason for optimism in the fact that the announcement of Phish's reunion was met with such overwhelming enthusiasm from their fans.

So as thousands of people welcome Phish back to the stage at the Hampton Coliseum this weekend, I am proud to say as a Vermonter: Phish, it is good to have you back. I know you have been missed.●

#### MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 38. Joint resolution making further continuing appropriations for fiscal year 2009, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 14. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week.

#### MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 14. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, and Mrs. MURRAY):

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; read the first time.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 543. A bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 68. A resolution recognizing the contributions of the Pennsylvania National Guard in service to the Nation; to the Committee on Armed Services.

#### ADDITIONAL COSPONSORS

S. 231

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 231, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 428

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 479

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 479, a bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, and Mrs. MURRAY):

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking "(a)(1)" and inserting "(a)";

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking "as adjusted by paragraph (2) of this subsection" and inserting "adjusted as provided by law".

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2011.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 543. A bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, in the Spring of 2007, I met a 27-year-old Army Sergeant named Eric

Edmondson. Eric was injured while serving in Iraq. During surgery to treat his injuries, his brain was deprived of oxygen for a period of time, and is now seriously disabled. It has been my honor to get to know Eric and his family. I am humbled and inspired by their shared struggle, pain, triumph and sacrifice as they have worked to help Eric recover as much mobility and independence as possible.

Today I am introducing the Veteran and Servicemember Family Caregiver Support Act of 2009, along with several other Senators. This bill proposes a program that would provide technical, financial and practical support for families like Eric's, families who are now caring for a veteran or a returning servicemember whose disability requires institutional or home-based care.

The first version of this bill was introduced in the last Congress by then-Senator Hillary Clinton. She already knew what many of us are now learning. Families all across the country are figuring out how best to care for returning servicemembers and veterans who are coming home with serious disabilities. We are recognizing that these families need more support than what most of them are finding.

This bill lays out a strong family caregiver support program. The program is for those seriously disabled veterans and servicemembers who have a family member willing and able to provide care at home. We want to recognize that sacrifice, which probably involved a significant loss of income, and the value of the care they are providing. So the program addresses four key concerns—training and certification, payment for services, respite care, and, finally, mental health and social support services.

The first step is to provide training for those family members who become a primary caregiver for a seriously disabled veteran or servicemember. It is common for family members to have some informal training, but we should formalize that. Figure out what training caregivers need and make sure they receive it. From changing burn wound dressings to wheelchair transfers, caregivers need the skills and knowledge to offer high quality, home-based care. The bill I am introducing today calls on VA and DoD to develop and offer training and a certification program for family caregivers.

We also need to pay for the services these trained and certified family caregivers provide. Amount of payment would be determined by the VA and DoD based on the amount and level of care required for each participant. Costs would be paid by VA, with DoD reimbursement to VA for services benefiting servicemembers. It is only fair that care provided by family caregivers, care for which the government would otherwise be responsible, is acknowledged. Qualified family caregivers are often forgoing other income, even while providing a service of real value.

Respite care is another important part of this program. Caregivers need time off. They deserve time off. VA and DoD have respite care programs, but they are underutilized because the programs are inflexible, waiting lists are long, or providers are not available nearby. That is especially true in more rural areas. In this bill, we provide for an alternate caregiver to be trained and certified who can fill in for the primary caregiver as needed. We've also asked the VA to study further options to improve the availability of respite care.

Finally, our bill directs VA and DoD to provide mental health services to family caregivers when those needs are related to the provision of care. For example, depression is almost twice as likely among caregivers as it is in the general population. The caregiver program would provide an assessment of the caregiver's needs and referral to relevant services if necessary.

Members of the armed services came forward and served when duty called. As many as 6,800 of them have come home from the Afghanistan and Iraq wars unable to perform daily functions or live independently. Now it is time for the U.S. to come forward with support for those who are able to live at home because a family member is willing to provide the care they need.

The sacrifices these family caregivers make are substantial, and can greatly affect their long-term well-being. Most have to give up their jobs outside the home, relinquishing health and retirement benefits and future earning power in the process. It is not uncommon for a family to move across the country in search of the best care for their injured loved one. We owe it to them to provide assistance as they care for their loved ones, who are our heroes.

A strong family caregiver support program also makes good economic sense. Right now, families are providing the care that VA and DoD have a responsibility to provide, but the families bear the cost. Because these families are providing care without payment or support, the costs of the care is made invisible to VA and DoD.

The VA recognizes the economic benefits of providing preventive care to veterans, and acknowledges that informal caregivers are an important source of providing such care. A recent VA study notes that "providing supportive services to caregivers will most likely help reduce the care costs for patients . . . as they will require less use of emergency care, institutionalization, and VHA services, while also improving caregiver and patient outcomes." Finally, support programs for caregivers keep the veteran with his or her family, delaying the day VA will be obligated to provide more expensive institutional care.

In testimony before Congress in 2007, Donna Shalala, as co-chair of the Dole-Shalala Commission, stated: "many families are caring for their injured

servicemember at home—and many of these servicemembers have complex injuries. These families, forced into stressful new situations, don't need more anxiety and confusion, they need support. Families are unprepared to provide 24/7 care. Those that try, wear out quickly."

We have an opportunity to step up to ensure that veterans can have the best care possible in return for their service to our country. Many of those who have been seriously injured in Iraq or Afghanistan have families who have made enormous sacrifices to provide care. We owe these families a helping hand to ensure that they have the tools and resources they need to provide the best care for their—and our—veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 543

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veteran and Servicemember Caregiver Support Act of 2009".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since September 11, 2001, at least 6,800 veterans have been injured and are living with disabilities severe enough to require in-home type care.

(2) Even with their disability benefits, the majority of seriously wounded veterans and their families are not in a strong financial position.

(3) In testimony before Congress in 2007, Donna Shalala, cochair of the Dole-Shalala Commission, stated that "families are unprepared to provide 24/7 care. Those that try, wear out quickly".

(4) The best quality private rehabilitation facilities have expertise in training family members to provide appropriate care.

(5) Current in-home care programs have limited availability and are severely underutilized. Patients who obtain in-home care from such programs receive only about ⅓ of the hours of care to which they are entitled.

#### SEC. 3. PILOT PROGRAM ON THE TRAINING, CERTIFICATION, AND SUPPORT OF FAMILY CAREGIVERS IN PROVISION OF CAREGIVER SERVICES TO CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing training, certification, and support for eligible family caregivers of eligible veterans and members of the Armed Forces to provide caregiver services to such veterans and members.

(b) DURATION OF PROGRAM.—The Secretary of Veterans Affairs shall commence the pilot program not later than 180 days after the date of the enactment of this Act and shall carry out the pilot program during the two-year period beginning on the date of such commencement.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not fewer than 6 facilities of the Department of Veterans Affairs or the Department of Defense, or other appropriate entity, selected by the Secretary of Veterans

Affairs for purposes of the pilot program. Of the facilities so selected—

(A) at least one shall be a private facility with expertise in providing rehabilitative care; and

(B) at least one shall be a Department of Veterans Affairs Medical Center in a rural area that serves eligible veterans.

(2) **EMPHASIS ON POLYTRAUMA CENTERS.**—In selecting locations for the pilot program at facilities of the Department of Veterans Affairs, the Secretary shall give special emphasis to the polytrauma centers of the Department designated as Tier I polytrauma centers.

(3) **PRIVATE FACILITIES.**—The Secretary may not select a private facility as a location for the pilot program unless the facility is a licensed inpatient rehabilitation facility with significant experience in traumatic brain injury, traumatic spinal cord injury, burn, and amputee rehabilitation.

(4) **COLLABORATION.**—Private facilities and facilities of the Department of Defense selected for purposes of the pilot program shall collaborate with nearby facilities of the Department of Veterans Affairs.

(d) **ELIGIBLE FAMILY CAREGIVERS.**—

(1) **IN GENERAL.**—For purposes of this section, an eligible family caregiver of a veteran or member of the Armed Forces is a family caregiver of an eligible veteran or member of the Armed Forces who—

(A) agrees to provide caregiver services to such eligible veteran or member;

(B) is accepted by such eligible veteran or member as the veteran's or member's provider of caregiver services; and

(C) is determined, under regulations prescribed by the Secretary of Veterans Affairs or the Secretary of Defense, as applicable, to be qualified to provide caregiver services under the pilot program.

(2) **REPLACEMENT.**—If the Secretary of Veterans Affairs or the Secretary of Defense, as applicable, determines that a family caregiver who is determined qualified under paragraph (1)(C) to provide caregiver services to an eligible veteran or member of the Armed Forces, as the case may be, is no longer qualified to provide such services—

(A) such family caregiver shall no longer be considered an eligible family caregiver for purposes of the pilot program; and

(B) such Secretary may, with the agreement of the veteran or member of the Armed Forces concerned, designate as a provider of caregiver services for such veteran or member for purposes of the pilot program any other individual who qualifies as an eligible family caregiver of such veteran or member under this subsection.

(3) **LIMITATION.**—The Secretary of Veterans Affairs and the Secretary of Defense may not qualify more than one concurrent family caregiver per eligible veteran or member of the Armed Forces under paragraph (1)(C).

(4) **CONSTRUCTION.**—Nothing in this section may be construed to limit the authority of the Secretary of Veterans Affairs or the Secretary of Defense to deny or discontinue participation of a family caregiver in the pilot program if such action is in the best interest of the veteran or member of the Armed Forces concerned.

(e) **ELIGIBLE VETERANS AND MEMBERS OF THE ARMED FORCES.**—For purposes of this section, an eligible veteran or member of the Armed Forces is a veteran or member of the Armed Forces—

(1) who—

(A) has a service-connected disability that was incurred or aggravated on or after September 11, 2001; and

(B) requires caregiver services because of such service-connected disability, as determined by the Secretary of Veterans Affairs or the Secretary of Defense as applicable;

(2) who is otherwise determined to be eligible for the pilot program by the Secretary of Veterans Affairs or the Secretary of Defense, as applicable.

(f) **IDENTIFICATION AND NOTIFICATION OF ELIGIBLE VETERANS AND MEMBERS OF THE ARMED FORCES.**—

(1) **IDENTIFICATION AND NOTIFICATION OF ELIGIBLE VETERANS.**—

(A) **IDENTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a review to identify veterans eligible to participate in the pilot program.

(B) **NOTIFICATION.**—The Secretary of Veterans Affairs shall notify each veteran who is identified as an eligible veteran pursuant to the review required by subparagraph (A) of—

(i) the eligibility of the veteran to participate in the pilot program; and

(ii) the means by which the veteran may be accepted for participation in the pilot program.

(2) **IDENTIFICATION AND NOTIFICATIONS OF ELIGIBLE MEMBERS OF THE ARMED FORCES.**—

(A) **IDENTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review to identify members of the Armed Forces eligible to participate in the pilot program.

(B) **NOTIFICATION.**—The Secretary of Defense shall notify each member of the Armed Forces who is identified as an eligible member of the Armed Forces pursuant to the review required by subparagraph (A) of—

(i) the eligibility of the member to participate in the pilot program; and

(ii) the means by which the member may be accepted into the pilot program.

(g) **TRAINING AND CERTIFICATION.**—

(1) **PROVISION OF TRAINING AND CERTIFICATION.**—

(A) **TRAINING.**—The Secretary of Veterans Affairs shall provide training to each eligible family caregiver participating in the pilot program in the provision of family caregiver services. The training shall utilize curricula developed under paragraph (2).

(B) **CERTIFICATION.**—Upon the successful completion by a family caregiver of training provided under paragraph (1), the Secretary of Veterans Affairs shall certify the family caregiver as a provider of family caregiver services for purposes of the pilot program. Successful completion of training shall be determined utilizing certification criteria developed under paragraph (2).

(2) **TRAINING CURRICULA AND CERTIFICATION CRITERIA.**—

(A) **IN GENERAL.**—The Secretary of Veterans Affairs shall, in consultation with the individuals specified in subparagraph (B), develop for purposes of the pilot program the following:

(i) Curricula for the training of eligible family caregivers in the provision of family caregiver services, including training on techniques, skills, and strategies for the provision of such services.

(ii) Criteria for the evaluation of successful completion of such training for purposes of certification under paragraph (1)(B).

(B) **CONSULTATION.**—The individuals specified in this subparagraph are the following:

(i) The Secretary of Defense.

(ii) A representative of family caregivers or family caregiver associations.

(iii) A health or medical employee of the Department of Veterans Affairs with expertise in long-term care for seriously injured veterans.

(iv) A health or medical employee of the Department of Defense with expertise in long-term care for seriously injured members of the Armed Forces.

(v) A psychologist or other individual with expertise in the provision of mental health care to individuals in need of home-based or nursing home care.

(vi) An expert in the development of training curricula.

(vii) A family member of a veteran in need of home-based or nursing home care.

(viii) A family member of a member of the Armed Forces in need of home-based or nursing home care.

(ix) A representative from a veterans service organization, as recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(x) Such other individuals as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, considers appropriate.

(C) **SCOPE OF CURRICULA.**—The Secretary of Veterans Affairs shall ensure that the curricula developed under subparagraph (A)(i)—

(i) is based on empirical research and validated techniques; and

(ii) provides for training that permits recipients of the training to tailor the provision of caregiving services to the unique circumstances of the veteran or member of the Armed Forces receiving such services.

(D) **USE OF EXISTING CURRICULA.**—In developing curricula under subparagraph (A)(i), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2309).

(3) **TRAVEL EXPENSES.**—The Secretary of Veterans Affairs may provide for necessary travel, lodging, and per diem expenses incurred by a family caregiver in undergoing certification and training under paragraph (1).

(h) **PAYMENT OF FAMILY CAREGIVERS.**—

(1) **IN GENERAL.**—An eligible family caregiver of an eligible veteran or member of the Armed Forces certified under subsection (g) in the provision of caregiver services under the pilot program shall be paid by the Department of Veterans Affairs for the provision of caregiver services to such veteran or member, as the case may be, under the pilot program.

(2) **AMOUNT OF PAYMENT.**—Payment provided a family caregiver under paragraph (1) for care provided to a veteran or member of the Armed Forces shall be in amounts the Secretary of Veterans Affairs considers reasonable upon consideration of the following:

(A) The amount of care and the intensity of the care required by the veteran or member.

(B) The cost to the Department of Veterans Affairs of otherwise providing such care through another noninstitutional care provider.

(C) Low-utilization payment adjustment mechanisms under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff) calculated for the geographic area of the family caregiver.

(D) Such other factors as the Secretary considers appropriate.

(3) **COORDINATION WITH STATE SELF-DIRECTED PERSONAL ASSISTANCE SERVICES PROGRAM.**—The Secretary of Veterans Affairs may provide payment under paragraph (1) to an eligible family caregiver in coordination with the self-directed personal assistance services program of the State of the family caregiver to the extent the State has elected to provide medical assistance to an eligible veteran or member of the Armed Forces under the State Medicaid program.

(i) **RESPIRE CARE.**—



(1) REVIEW OF RESPITE CARE PROGRAMS.—The Secretary of Veterans Affairs shall review the respite care programs of the Department of Veterans Affairs and the Secretary of Defense shall review the respite care programs of the Department of Defense that are available to family caregivers to assess the adequacy, flexibility, and age-appropriateness of the facilities under such programs. The review shall include a particular focus on respite care programs for rural areas.

(2) STUDY ON ENHANCEMENT OF AVAILABILITY OF RESPITE CARE.—The Secretary shall carry out a study to identify appropriate options for enhancing the availability of respite care for family caregivers. The study shall include an assessment of the advisability of allowing a veteran's primary treating physician to approve respite care in excess of 30 days to make as-needed respite care more available and convenient for family caregivers.

(3) ENHANCEMENT OF AVAILABILITY OF RESPITE CARE.—The Secretary shall take measures to enhance the availability of respite care for family caregivers participating in the pilot program, including the following:

(A) Training and certifying alternate family caregivers using the curricula developed under subsection (g)(2).

(B) Paying expenses incidental to training of alternate family caregivers, including travel expenses.

(C) Such other measures as the Secretary considers appropriate.

(j) PSYCHOLOGICAL AND SOCIAL SUPPORT SERVICES.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, make available to each eligible family caregiver participating in the pilot program counseling and social services related to the provision by the family caregiver of caregiving services to an eligible veteran or member of the Armed Forces. Such counseling and social services shall include the following:

(A) An assessment of individualized needs of the family caregiver with respect to the family caregiver's role as a family caregiver.

(B) Assistance with development of a plan for long-term care of the veteran or member concerned.

(C) Services and support relevant to any needs identified under subparagraph (A) provided through—

(i) facilities of the Department of Veterans Affairs or the Department of Defense located in the community in which the family caregiver resides; or

(ii) in the case that no such facilities are available in a timely manner, community-based organizations or publicly-funded programs.

(2) USE OF EXISTING TOOLS.—In developing and administering assessments under paragraph (1)(A), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department of Veterans Affairs or the Department of Defense.

(k) REPORTS.—

(1) TWO-YEAR REPORT.—

(A) IN GENERAL.—Not later than two years after the date of the commencement of the pilot program, the Secretary shall, in conjunction with the Secretary of Defense, submit to the appropriate congressional committees a report on the pilot program.

(B) CONTENTS.—The report required by paragraph (1) shall include the following:

(i) An assessment of the pilot program.

(ii) An accounting of the costs to the Department of Veterans Affairs and the Department of Defense of the pilot program.

(iii) A comparison of the costs to the Department of Veterans Affairs and the Depart-

ment of Defense of the pilot program with the cost to the Departments of otherwise providing caregiver services to the veterans and members of the Armed Forces who received such services under the pilot program, including the cost of providing care to such veterans and members of the Armed Forces who would otherwise require inpatient care.

(iv) The recommendations of the Secretary with respect to—

(I) the feasibility and advisability of extending the pilot program or making the pilot program permanent; and

(II) modifying the pilot program.

(v) An assessment of the effect of the pilot program on—

(I) the health of veterans receiving care under the pilot program; and

(II) the financial burdens of family caregivers caused by the provision of caregiver services to veterans.

(vi) Any determinations made by the Secretary under subsection (o).

(2) BI-ANNUAL REPORTS OF MEDICAL FACILITIES.—Not later than 180 days after the date on which a medical facility is selected as a location for the pilot program and not less frequently than once every 180 days thereafter, the medical facility shall submit to the director of the Veterans Integrated Services Network (VISN) in which the facility is located a report that describes—

(A) the number of veterans enrolled in the pilot program through such facility; and

(B) if there is a waiting list to participate in the pilot program through such facility—

(i) the number of people on such list; and

(ii) the average wait time before admission into the pilot program.

(1) FUNDING.—

(1) COSTS OF CARE PROVIDED TO VETERANS.—Any expenditure under the pilot program relating to the provision of caregiver services to a veteran shall be borne by the Department of Veterans Affairs.

(2) COSTS OF CARE PROVIDED TO MEMBERS OF THE ARMED FORCES.—

(A) IN GENERAL.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any expenditure incurred by the Department of Veterans Affairs under the pilot program relating to the provision of caregiver services to members of the Armed Forces.

(B) SOURCE OF FUNDS.—Amounts for reimbursement under subparagraph (A) shall be derived from amounts made available to Defense Health Program for the TRICARE program.

(m) LIMITATION ON SPENDING.—In providing for the provision of services under the pilot program, the Secretary of Veterans Affairs shall make payment for services only to the extent that payment for such services is not otherwise covered by another government or nongovernment entity or program.

(n) CONSTRUCTION.—

(1) EMPLOYMENT.—Nothing in this section shall be construed to create an employment relationship between a family caregiver and a veteran or member of the Armed Forces, the Department of Veterans Affairs, or the Department of Defense.

(2) ELIGIBILITY FOR BENEFITS.—Nothing in this section shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a veteran, member of the Armed Forces, or dependent thereof, to any health care, disability, or other benefit to which such veteran, member, or dependent would otherwise be eligible or entitled under laws administered by the Secretary of Veterans Affairs or the Secretary of Defense.

(o) NATIONAL EXPANSION OF PILOT PROGRAM.—Not later than the completion of the two-year period described in subsection (b), the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense,

expand the pilot program to provide training, certification, and support for eligible family caregivers nationwide unless the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, determines that such revision would be infeasible or inadvisable.

#### SEC. 4. SURVEY OF INFORMAL CAREGIVERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, conduct a national survey of family caregivers of seriously disabled veterans and members of the Armed Forces to better understand the size and characteristics of the population of such caregivers and the types of care they provide.

(b) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, submit to Congress a report containing the findings of the Secretary with respect to the survey conducted under subsection (a). Results of the survey shall be disaggregated by the following:

(1) Veterans and members of the Armed Forces.

(2) Veterans and members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans and members of the Armed Forces who live in rural areas.

#### SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) CAREGIVER SERVICES.—The term "caregiver services" means noninstitutional extended care (as used in section 1701(6) of title 38, United States Code), including home-maker and home health aid services.

(3) FAMILY CAREGIVER.—The term "family caregiver" means, with respect to a disabled veteran or member of the Armed Forces, a family member of such veteran or member, or such other individual of similar affinity to such veteran or member as the Secretary prescribes, who is providing caregiver services to such veteran or member for such disability.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 68—RECOGNIZING THE CONTRIBUTIONS OF THE PENNSYLVANIA NATIONAL GUARD IN SERVICE TO THE NATION

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 68

Whereas the Pennsylvania National Guard is one of the largest Guards in the Nation, with approximately 20,000 soldiers and airmen;

Whereas since September 11, 2001, more than 17,000 Pennsylvania National Guard soldiers and airmen have deployed in support of the Global War on Terrorism;

Whereas the Pennsylvania National Guard is supporting the largest deployment of Pennsylvania Guardsmen since World War II;

Whereas the 28th Combat Aviation Brigade (CAB) is preparing for deployment to Iraq in support of Operation Iraqi Freedom;

Whereas the 56th Stryker Brigade Combat Team, now deployed in Iraq, predates the United States Army, traces its lineage to 1747, when Benjamin Franklin organized the "Associated Regiment of Foot" (currently 1-11th Infantry) in Philadelphia, and is the only unit in the National Guard to field the Stryker vehicle;

Whereas the Pennsylvania National Guard has deployed to more than 30 locations worldwide since September 11, 2001;

Whereas Pennsylvania's Army Aviation Flight Facility at Fort Indiantown Gap is the first and only National Guard facility in the Nation to achieve the Occupational Safety and Health Administration (OSHA) Voluntary Protection Program "STAR Award" for exhibiting exceptional safety management principles and accident-free flying hours, and effectively demonstrating the implementation of these principles during years-long intensive OSHA inspections;

Whereas in 2008, the Pennsylvania Air National Guard's (PaANG) 171st Air Refueling Wing flew more than 5,800 flying hours with more than 1,600 sorties flown, representing an 85 percent mission effectiveness rate;

Whereas the PaANG's 193rd Special Operations Wing flew more than 3,000 hours with more than 1,000 sorties in 2008 and is the only unit in the entire Armed Forces with an airborne psychological operations broadcasting platform;

Whereas the PaANG's 111th Fighter Wing flew more than 675 close-air support missions and provided more than 2,000 hours of on-station time to coalition forces in Iraq and Afghanistan; and

Whereas soldiers and airmen from Pennsylvania's Counterdrug Program supported 575 cases that resulted in the seizure of more than \$27,000,000 in illegal narcotics, money, weapons, property, and vehicles directly related to illegal drug sales in 2008: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Pennsylvania National Guard for its meritorious service to Pennsylvania and the Nation;

(2) honors the men and women who serve, or have served, in the Pennsylvania National Guard; and

(3) encourages the people of the United States to thank the Pennsylvania National Guard for its continued service.

Mr. SPECTER. Mr. President. I have sought recognition to recognize the contributions of the Pennsylvania National Guard in service to Pennsylvania and the Nation. Pennsylvania units have taken part in every conflict America has faced since the Revolutionary War, and contributions made by the men and women of the Pennsylvania National Guard to our Nation's security continue to be nothing short of outstanding. The citizen soldiers and airmen who serve in the Guard have answered the call to serve their Nation both at home and abroad time and time again. I am honored to stand before you to recount some of the Pennsylvania National Guard's recent accomplishments.

With approximately 20,000 soldiers and airman in its ranks, the Pennsylvania National Guard is one of the largest National Guards in the Nation. It has the largest Army National Guard and the fourth largest Air National Guard. I commend the Adjutant Gen-

eral of Pennsylvania, Major General Jessica Wright, and Deputy Adjutant Generals, Major General Stephen Sischo and Brigadier General Joseph De Paul, for ably leading this force that has armories or airbases in 90 communities throughout the Commonwealth.

Since September 11, 2001, over 17,000 Pennsylvania National Guard soldiers and airmen have deployed to over 30 worldwide locations, and the Guard is currently supporting the largest deployment of Pennsylvania Guardsmen since World War II.

I regret that I do not have time to list all of the Pennsylvania National Guard's accomplishments and accolades. I will briefly highlight accomplishments of individual units within the Pennsylvania National Guard that attest to the impressive quality of the whole.

Currently, the 56th Stryker Brigade Combat Team, an element of the 28th Infantry Division, is deployed in Iraq. The unit, which is the only unit in the National Guard to field the Stryker vehicle, traces its lineage to 1747, when Benjamin Franklin organized the "Associated Regiment of Foot", currently 1-11th Infantry, in Philadelphia.

Pennsylvania's Army Aviation Flight Facility at Fort Indiantown Gap is the first and only Army National Guard facility in the Nation to achieve the Occupational Safety and Health Administration Voluntary Protection Program "STAR Award" for exhibiting exceptional safety management principles and accident-free flying hours, and effectively demonstrating the implementation of these principles during years-long intensive inspections.

The Pennsylvania Air National Guard's 171st Air Refueling Wing, based in Coraopolis and commanded by Brigadier General Roy E. Uptegraff III, flew over 5,800 flying hours with more than 1,600 sorties flown in 2008, representing an 85 percent mission effectiveness rate.

The Pennsylvania Air National Guard's 193rd Special Operations Wing, based in Harrisburg and commanded of Brigadier General Eric G. Weller, flew over 3,000 hours and over 1,000 sorties in 2008 and is the only unit in the entire Armed Forces with an airborne psychological operations broadcasting platform.

The Pennsylvania Air National Guard's 111th Fighter Wing, based in Willow Grove and commanded by Colonel Paul Comtois, flew over 675 close-air support missions and provided more than 2,000 hours of on-station time to coalition forces in Iraq and Afghanistan.

The soldiers and airmen from Pennsylvania's Counterdrug Program supported 575 cases that resulted in the seizure of over \$27 million in illegal narcotics, money, weapons, property and vehicles directly related to illegal drug sales in 2008.

The accomplishments I have enumerated are but a few of the many that the

Pennsylvania National Guard can claim to its credit. Whether through deployments overseas, the deployment of 2,500 Pennsylvania Army and Air National Guard members to support hurricane disaster relief efforts along the Gulf Coast following Hurricane Katrina, or service within the Commonwealth of Pennsylvania, the men and women of the Pennsylvania National Guard have repeatedly answered the call to duty. Their performance has been in keeping with the finest traditions of the military and has reflected great credit upon themselves, the Pennsylvania National Guard, and the United States Military.

I will continue to do all that I can in the United States Senate to ensure that the Pennsylvania National Guard has the necessary equipment, training and facilities to accomplish the missions it is called on to perform both for the Commonwealth and the Nation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 673. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 673. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, line 24, strike "rule." and insert the following: "rule, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained."

#### MEASURE READ THE FIRST TIME—S. 542

Mr. WARNER. Mr. President, I understand that S. 542, introduced earlier today by Senator REID, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill title.

The bill clerk read as follows:

A bill (S. 542) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

Mr. WARNER. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

## ORDERS FOR MONDAY, MARCH 9, 2009

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, March 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WARNER. Mr. President, Senators should expect a series of rollcall votes in relation to amendments to the appropriations bill beginning at 5:30 p.m. Monday.

## ORDER FOR ADJOURNMENT

Mr. WARNER. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECORD TO REMAIN OPEN

Mr. WARNER. I ask unanimous consent that the RECORD remain open until 1 p.m. for the purpose of submitting statements and cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, H.J. Res. 38, having arrived from the House, is considered read three times and passed, and the motion to reconsider is considered made and laid upon the table.

The Senator from Missouri.

Mr. BOND. Congratulations, Mr. President. You have witnessed democracy in action, and that is the most painless way to pass a measure I have seen.

## CREDIT CRISIS

Mr. BOND. On a much more somber note, Americans got more bad news today.

For February, our Nation's unemployment rate is now a staggering 8.1 percent. This is the highest unemployment rate in more than 20 years. More than 650,000 jobs were lost in February. These job cuts come on the heels of 655,000 jobs lost in January and another 681,000 jobs lost in December.

This job loss means that what we are doing to solve the economic crisis is not working. This job loss is much more than a bad number for millions of Americans. These layoffs may mean missing a mortgage payment and facing foreclosure. These layoffs may mean not being able to take a sick child to the doctor. These job layoffs may mean not getting enough money to put food on the table.

Right now, in every community across the Nation, workers are losing their jobs. These families are suffering as bills pile up and savings evaporate and businesses are struggling to meet payroll.

After the new administration heralded the passage of their trillion-dollar spending bill as the answer to this economic crisis, some Americans began hoping their economic futures may be turning around. Unfortunately, this crisis is one where we cannot spend our way out.

Until we fix the real root of the crisis, our credit crisis, the hemorrhaging of jobs will not stop. I spoke about this earlier this week, and I will keep speaking about it until policymakers decide to act responsibly.

The President, in his message in the State of the Union, said nothing is going to work until we fix the credit crisis. This latest jobs report is another sad reminder that right now our financial system is not working. Our financial system has become clogged with toxic assets, and until they are removed, fear and uncertainty will continue to dominate the markets and our economy.

Our banking and financial system affects every American's standard of living, our ability to create and maintain jobs, and our ability to compete globally. It is central to all financial and household activities for Main Street America.

Nothing the Government has done, to date, is working. Instead, the previous and the current administrations have been throwing billions in good taxpayer dollars into bad, failing banks. Why hasn't pouring more money into the system worked? Because policymakers are only treating the symptoms rather than the cause.

The good news is, though, we do not have to go back to the drawing board. Under my American Credit Cleanup Plan, the Government can put to work the statutory authorities already in existence and long used by the FDIC, the Federal Deposit Insurance Corporation, for failed banks. This plan is to take advantage of the lessons we have learned. We saw what works in our Nation's experience during the savings and loan crisis. We also saw what won't work.

During the 1990s, Japan lacked the will to clean up its sick banking system by taking out the toxic assets, and the end result was a "lost decade" during which Japan was stuck in a recession. I, for one, refuse to repeat Japan's mistakes, dooming the Nation's families and workers to a recession any longer and deeper than it takes to clean up the mess.

The first step toward recovery is to identify troubled banks and then remove the banks' toxic assets in a transparent, market-friendly manner that is free from political interference and micromanagement. The toxic assets of the troubled banks would be removed through a temporary conservatorship. Under conservatorship, the first order of business there is to protect the banks' depositors up to the current FDIC guaranteed loan levels. It is essential that we continue to protect American families' investments.

Also, many Americans are understandably angry as policymakers debate lowering pay caps for some executives who got us into this mess. Well, capping pay or taking away corporate jets isn't enough. Instead, we need to fire the failed executives and the boards of directors that took their businesses and their banks down the tubes.

Next, the Government needs to separate the bad assets from the good and hold the bad assets until the market conditions improve when the value of these assets—a good part of the value of these assets—can be realized. Unlike the current ad hoc approach, my plan also provides an exit strategy. Once you get the bad assets out, you cleanse the toxic assets, then you have the restructured institution which won't continue to call on the taxpayer for more dollars to survive.

I share the bailout fatigue all Americans are feeling, but we cannot afford to ignore the crisis. Failing to act could lead to families being unable to get loans to refinance homes, farmers unable to get credit to buy seed, students unable to get loans to go to school, and businesses unable to get credit to meet payrolls, keep workers, or expand. Our economic recovery depends directly on unlocking the credit system. It is time for policymakers to act.

This action must be a bold, coherent, and smart approach like my American Credit Cleanup Plan. It has to tackle the root cause of the problem—the toxic assets—get them out of the system, and lead us out of this economic crisis and help Americans get back to work. I, for one, say no more throwing good taxpayer money down a rat hole, no more "ad hoc" where we look at the crisis of the day and throw money at some institution that has already depreciated significantly in value in hopes of keeping it afloat. We need to take those institutions, cleanse the assets necessary, get new management, new executives, and put them back in the marketplace to function without Government interference.

new executives, and put them back in the marketplace to function without Government interference.

Mr. President, I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL MONDAY,  
MARCH 9, 2009, at 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands

adjourned until 2 p.m. on Monday, March 9, 2009.

Thereupon, the Senate, at 12:34 p.m., adjourned until Monday, March 9, 2009, at 2 p.m.